

EXHIBIT D

Excerpts of the Deposition of Alan Johnson

Pages: 11-14 & 19-26

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CAROLYN ENZOR, as Next Friend
of K.L.N.E. and K.A.E., and
JULIANNE GLISSON, as Temporary
Administrator of the Estate of
KA'LA ENZOR,

Plaintiffs,

v.

THE KROGER CO.,

Defendant.

CIVIL ACTION NO.:

CV422-083

DEPOSITION OF

ALAN JOHNSON

December 7, 2022
4:40 p.m.

104 West State Street, Suite 220
Savannah, Georgia

Mynjuan P. Jones, RPR, CCR-B-1422

Gilbert & Jones

Certified Court Reporters

P. O. Box 1894 (31521)
1607 Norwich Street
Brunswick, GA 31520

gilbertandjones1@gmail.com
912.264.1670

P. O. Box 14515 (31416)
7505 Waters Avenue, F3
Savannah, GA 31406

<p style="text-align: center;">11</p> <p>1 5:00, 6:00, kind of like now, just beating the</p> <p>2 traffic to get to that side of town. So around about</p> <p>3 5:00 or 6:00 maybe.</p> <p>4 Q. The Kroger at Berwick shopping plaza, is</p> <p>5 that a store that you had frequented?</p> <p>6 A. Yes. It was kind of like right down the</p> <p>7 street from us.</p> <p>8 Q. Pretty close to the Little Neck Road</p> <p>9 apartment?</p> <p>10 A. Yes.</p> <p>11 Q. And do you know, had Ka'la Enzor, that she</p> <p>12 had been there before?</p> <p>13 A. Yes.</p> <p>14 Q. Had you ever gone there with her before?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall when -- I know you said</p> <p>17 later in the evening. Were you going for anything in</p> <p>18 particular, shopping for anything in particular?</p> <p>19 A. Now that I don't remember.</p> <p>20 Q. I can barely remember what I ate for</p> <p>21 dinner last night.</p> <p>22 If you recall, when you and Ka'la arrived</p> <p>23 at the Kroger, what happened? What did y'all do</p> <p>24 first?</p> <p>25 A. Got a buggy maybe. As far as I can</p> <p style="text-align: center;">GILBERT & JONES</p>	<p style="text-align: center;">13</p> <p>1 produced by the defendant.</p> <p>2 Let's go over it real quick. At the top</p> <p>3 right-hand corner it says April 27, 2021, which is</p> <p>4 the date that we've been talking about?</p> <p>5 A. Correct.</p> <p>6 Q. And then next to it says 6:45:27 p.m.,</p> <p>7 which represents 6:45 in the evening and 27 seconds.</p> <p>8 Is that what you understand that to be?</p> <p>9 A. Yes.</p> <p>10 Q. Does that time and date comport with your</p> <p>11 memory as to when this incident took place?</p> <p>12 A. Yes.</p> <p>13 Q. And I'll represent to you that this camera</p> <p>14 is -- I believe what this stands for is Camera 2,</p> <p>15 View 11 over the counter and then I don't know what</p> <p>16 the 2 PVM means but it's some sort of identification</p> <p>17 of the camera. Does that sound right to you or sound</p> <p>18 reasonable?</p> <p>19 A. Yes.</p> <p>20 Q. There is in the more or less upper</p> <p>21 left-hand corner, there's a young woman with a white</p> <p>22 shirt and what looks to be gray sweatpants walking</p> <p>23 down a hallway. Does that to you look like Ka'la</p> <p>24 Enzor or what Ka'la Enzor had on that day?</p> <p>25 A. Yeah, she had on jeans.</p> <p style="text-align: center;">GILBERT & JONES</p>
<p style="text-align: center;">12</p> <p>1 remember, probably get a buggy, walk around, just</p> <p>2 walking and talking really.</p> <p>3 Q. My understanding is at some point</p> <p>4 Ms. Enzor -- and when I say Ms. Enzor, I mean Ka'la,</p> <p>5 not her mom Carolyn, Ka'la Enzor needed to use the</p> <p>6 restroom?</p> <p>7 A. Correct.</p> <p>8 Q. Do you recall that?</p> <p>9 A. Yes.</p> <p>10 Q. I presume she walked over towards the</p> <p>11 restroom and you did what?</p> <p>12 A. Stood there. Like by the time she asked</p> <p>13 to go to the bathroom I was kind of like nearby. We</p> <p>14 were kind of close to the bathrooms but there's a</p> <p>15 hallway that leads to the bathroom and I just kind of</p> <p>16 stood there and scrolled through my phone or</p> <p>17 whatever.</p> <p>18 MR. MANLY: Can I mark this as Plaintiffs'</p> <p>19 Exhibit 1.</p> <p>20 (Plaintiffs' Exhibit 1 was marked for</p> <p>21 identification.)</p> <p>22 Q. (By Mr. Manly) Mr. Johnson, I'm going to</p> <p>23 show you what we've marked as Plaintiffs' Exhibit</p> <p>24 Number 1, and I'll represent to you that this is a</p> <p>25 screenshot from a security camera that's been</p> <p style="text-align: center;">GILBERT & JONES</p>	<p style="text-align: center;">14</p> <p>1 Q. Okay. I'm sorry. They're not sweatpants.</p> <p>2 All right. It is not a great picture.</p> <p>3 A. Yeah.</p> <p>4 Q. And I would also represent to you,</p> <p>5 Mr. Johnson, that in viewing this, that this appears</p> <p>6 to be Ka'la Enzor walking down what is the bathroom</p> <p>7 hallway that you just referenced. Does this</p> <p>8 accurately depict what you saw on April the 27th?</p> <p>9 A. Correct.</p> <p>10 Q. And I don't think, Mr. Johnson, in this</p> <p>11 picture you're seen, but can you with a pen maybe</p> <p>12 mark where you think you might have been at about</p> <p>13 this time.</p> <p>14 I don't want to interrupt you but you may</p> <p>15 not have been within the frame, so if not, then just</p> <p>16 tell us.</p> <p>17 A. I probably was just a little further out</p> <p>18 this way (indicating).</p> <p>19 Q. You're indicating on the right-hand side?</p> <p>20 A. Yes. Because it's like the freezer aisles</p> <p>21 right there and I was just kind of like right outside</p> <p>22 right there.</p> <p>23 Q. And you think you were scrolling on your</p> <p>24 phone, just waiting?</p> <p>25 A. Yeah. Because going to the bathroom ain't</p> <p style="text-align: center;">GILBERT & JONES</p>

19

1 somebody grabbed her and just pulled her into the
2 stall.

3 Q. And forced himself on her?

4 A. Yes.

5 Q. I know this probably goes without saying.
6 Ka'la didn't know this man?

7 A. No.

8 Q. And she didn't ask for this to happen that
9 you know of?

10 A. No.

11 Q. At the time immediately after this picture
12 that we looked at identified as Exhibit Number 3, did
13 she appear to be visibly shaken, disturbed?

14 A. Yes.

15 Q. Was she crying?

16 A. Yes.

17 Q. And, again, she was nude from the waist
18 down?

19 A. Correct.

20 Q. Were there any Kroger employees nearby?

21 A. Yes. When I came up there, they were
22 covering her up.

23 Q. Had you seen any security of any kind from
24 the time you walked in until roughly 6:50?

25 A. Not to my recollection.

GILBERT & JONES

20

1 Q. I think you answered this already but I
2 want to be sure. Was the first noise you heard, was
3 that when Ms. Enzor was yelling your name outside of
4 the doorway?

5 A. Honestly probably not because it was a lot
6 of kids running and playing.

7 Q. Is that the first time you recognized that
8 it was Ka'la trying to get your attention?

9 A. Yes, when I heard my name.

10 Q. Do you presume that she was standing in
11 the doorway when that took place?

12 A. Yes.

13 Q. And my understanding is that a Good
14 Samaritan was able to tackle the assailant. He was
15 later apprehended. Is that what you remember?

16 A. Yes.

17 Q. Did police arrive on the scene?

18 A. Yes.

19 Q. An ambulance or anything like that?

20 A. Yes.

21 Q. Tell me about what happened after the
22 incident. What happened?

23 A. They took her to the hospital but I wasn't
24 allowed to go to any of that.

25 Q. What did you do?

GILBERT & JONES

21

1 A. I just kind of -- I contacted her mother
2 and let her mother know what had happened.

3 Q. Do you know if Ms. Carolyn Enzor went to
4 the hospital?

5 A. No, she didn't.

6 Q. She didn't?

7 A. I think they had her checked in under a
8 fake name because they don't want --

9 Q. Because of the rape?

10 A. Yeah.

11 Q. In speaking with Ka'la Enzor afterwards,
12 did she tell you what she did? I mean, we have
13 records indicating that she met with the Rape Crisis
14 Center, but did she tell you what she did that night?

15 A. Well, yeah, they did allow me to go to the
16 Rape Crisis Center. So I did go to that.

17 Q. I don't know the timing of that. Was that
18 immediately after the emergency room or was that
19 before the emergency room?

20 A. After the emergency room.

21 Q. Do you recall about what time that was?

22 A. No, I don't. I know it was much later.

23 Q. That day?

24 A. Yes.

25 Q. April 27th?

GILBERT & JONES

22

1 A. Yes.

2 Q. After the days and weeks after this, did
3 Ka'la talk to you about the incident itself?

4 A. Not a lot.

5 Q. Did she say anything about it?

6 A. She just had a lot of nightmares and stuff
7 like that. That's about it.

8 Q. Did her demeanor, persona, personality
9 change after April 27th?

10 A. A lot.

11 Q. Tell me about that a little.

12 A. She had a lot of trouble sleeping. She
13 would just wake up kicking and screaming in the
14 middle of the night, like get off me, get off me,
15 stuff like that, and that went on and on.

16 Q. Until she passed away?

17 A. Yes.

18 Q. Tell me about prior to April 27th did
19 Ka'la drink alcohol socially?

20 A. Yes.

21 Q. And afterwards did her alcohol intake
22 increase?

23 A. Tremendously.

24 Q. Tell me about how much she would drink.

25 A. About -- I don't know the difference in

GILBERT & JONES

<p style="text-align: center;">23</p> <p>1 size because I don't drink but she would go through</p> <p>2 like a bottle of Bacardi like this (indicating) every</p> <p>3 day.</p> <p>4 Q. Just so we're clear, you're holding your</p> <p>5 hands up 10 inches, a foot --</p> <p>6 A. A pint. I don't know.</p> <p>7 Q. A liter, a pint --</p> <p>8 A. Yes.</p> <p>9 Q. You said Bacardi?</p> <p>10 A. Yes.</p> <p>11 Q. Is that clear rum or --</p> <p>12 A. Gold.</p> <p>13 Q. You said she would drink that a day?</p> <p>14 A. A day. She literally slept with it.</p> <p>15 Q. Slept with a bottle?</p> <p>16 A. Yes.</p> <p>17 Q. Did she sleep in the bed or on a couch?</p> <p>18 A. On a couch. After that she slept on the</p> <p>19 couch. She just didn't want to be alone.</p> <p>20 Q. And she lived in the house with her mother</p> <p>21 and two children?</p> <p>22 A. Yes.</p> <p>23 Q. Were you still dating, together? What was</p> <p>24 y'all's relationship like?</p> <p>25 A. Yes, but it wasn't never the same. And I</p> <p style="text-align: center;">GILBERT & JONES</p>	<p style="text-align: center;">25</p> <p>1 Q. Were you there when Ka'la died? Were you</p> <p>2 at the apartment or at your apartment?</p> <p>3 A. I was at my apartment and they called me.</p> <p>4 Q. When she passed away?</p> <p>5 A. Yeah.</p> <p>6 Q. Did Carolyn call you?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall what she said?</p> <p>9 A. I picked up the phone and I just heard</p> <p>10 screaming.</p> <p>11 Q. Was it Carolyn screening?</p> <p>12 A. It was her daughter.</p> <p>13 Q. Do you recall if Carolyn said anything?</p> <p>14 What did you do when you got that call?</p> <p>15 A. I went over there and her momma was like,</p> <p>16 you know, trying to resuscitate her and stuff.</p> <p>17 Q. Did an ambulance come?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know if Ka'la was dead at the scene</p> <p>20 or if she died later at the hospital; do you know?</p> <p>21 A. I think she was dead at the scene.</p> <p>22 Q. Was there a bottle of rum near her?</p> <p>23 A. No, not that night.</p> <p>24 Q. Not that night?</p> <p>25 A. No.</p> <p style="text-align: center;">GILBERT & JONES</p>
<p style="text-align: center;">24</p> <p>1 understood but I didn't understand but it just never</p> <p>2 was the same. She wasn't the same.</p> <p>3 Q. Were you still around in the months after</p> <p>4 April? Y'all obviously still lived at the address</p> <p>5 but were you around her and her children and her mom?</p> <p>6 A. Yes.</p> <p>7 Q. Did this impact their lives as well?</p> <p>8 A. Yes.</p> <p>9 Q. Would you describe Ka'la as being a good</p> <p>10 mom after this took place?</p> <p>11 A. After?</p> <p>12 Q. After.</p> <p>13 A. Honestly it almost felt like she didn't</p> <p>14 care no more after that.</p> <p>15 Q. Before April the 27th, would you describe</p> <p>16 Ka'la as a good mom?</p> <p>17 A. Yes.</p> <p>18 Q. Attending to her kids?</p> <p>19 A. Yes.</p> <p>20 Q. Did what she could for them?</p> <p>21 A. Yes.</p> <p>22 Q. I don't want to put words in your mouth</p> <p>23 but afterwards it seems like what you're saying is</p> <p>24 she just wasn't --</p> <p>25 A. She wasn't there mentally like.</p> <p style="text-align: center;">GILBERT & JONES</p>	<p style="text-align: center;">26</p> <p>1 Q. Let me go back in time a little bit to</p> <p>2 April the 27th, the night of the incident. Did</p> <p>3 anyone from Kroger interview you?</p> <p>4 A. No.</p> <p>5 Q. Did anyone from Kroger call you</p> <p>6 afterwards?</p> <p>7 A. No.</p> <p>8 Q. Did a store manager get in touch with you?</p> <p>9 A. No.</p> <p>10 Q. Did you have any contact with anyone from</p> <p>11 Kroger either at the store on April the 27th or</p> <p>12 after?</p> <p>13 A. No.</p> <p>14 Q. You mentioned that Ka'la had nightmares.</p> <p>15 How else did Ka'la's life change other than the</p> <p>16 drinking and the nightmares? Did she go outside,</p> <p>17 socialize, anything like that?</p> <p>18 A. Not really. If she did go out, like she</p> <p>19 would be scared to just do -- I wouldn't even call it</p> <p>20 regular no more, but she would be scared to go to the</p> <p>21 restroom if she had to use it. She would ask me to</p> <p>22 stand by the door or stuff like that.</p> <p>23 Q. Do you know was Ka'la seeing a counselor</p> <p>24 at the crisis center?</p> <p>25 A. Yes.</p> <p style="text-align: center;">GILBERT & JONES</p>